

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Mark E. Kriegsman and Benjamin W. Wyckoff	Art Unit :	2141
Serial No. :	09/668,110	Examiner :	Djenane M. Bayard
Filed :	September 22, 2000	Conf. No. :	9580
Title :	SERVING DYNAMIC WEB-PAGES		

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REQUEST FOR RECONSIDERATION

Rule 131 declaration

According to Rule 131(b), diligence must be established only if the effective date of the reference falls between the conception date and the date of reduction to practice.¹

As indicated by paragraphs 13, 14, and 15 of the declaration, Applicant reduced the claimed invention to practice before the effective date of the reference.

Accordingly, the declaration submitted under Rule 131 is sufficient to disqualify both *Kredo* and *Nashed* as prior art.

Section 102(e) rejection of claim 1

The Examiner now suggests that a user log-in defines a triggering event.

Specifically, the Examiner draws attention to how *Scherr*'s cache management system "could be configured to pre-fetch web pages from the requested site each time an internal user logs on and those pages are not already in cache storage."² The specific portion of *Scherr* that the Examiner appears to be referring to is as follows:

If most of the internal users are likely to request pages from the same website, when they first log on, cache management system 10 at local site 06 could be configured to

¹ 37 CFR 131(b) "The showing ...shall...establish reduction to practice prior to the effective date...or conception...prior to the effective date...coupled with due diligence from prior to said date to a subsequent reduction to practice..." [emphasis supplied].

² Final Action, page 3.

pre-fetch web pages from the requested site each time an internal user logs on and those pages are not already in cache storage.³

The foregoing passage simply makes the rather elementary observation that one should pre-fetch those web pages that users who first log-in are likely to want. It has nothing to do with defining a “triggering event” that would indicate an obsolete portion of a web page.

Accordingly, the act of a user logging on and requesting a recently pre-fetched web page, as discussed above, is not a triggering event that indicates an obsolete portion of a web page. At best, the act of a user logging on simply triggers a check to see if a particular web page is already in cache, and if not, to request that web page.

It should be noted that according to the foregoing passage, if a web page is already in cache, it will not be pre-fetched, *even if the cached web page is already obsolete*.

It is apparent therefore that *Scherr* fails to teach each and every limitation of claim 1. Accordingly, the section 102(e) rejection of claim 1 is improper and should be withdrawn.

Section 102(e) rejection of claim 3

The Examiner draws attention to the following passage from *Scherr* as allegedly teaching “interpreting a script with instructions for defining a rule” that in turn defines a “triggering event” that is “indicative of the existence of an obsolete portion of said web page”:

As another example, the monitor used for cache management could respond to messages transmitted to it by a program or script running at the same site, such as a usage pattern analyzer.⁴

The above passage describes using a “usage pattern” to identify what pages should be pre-fetched. The Examiner correctly notes that the usage pattern analyzer is implemented by a script. But it is not a script that plays any role in defining a “triggering event” that indicates an obsolete portion of a web page. In fact, the usage pattern analyzer script does not even play a role in defining a triggering event at all.

³ *Scherr*, col. 6, lines 27-32.

⁴ *Scherr*, col. 7, lines 16-19.

The usage pattern analyzer script ultimately tells the cache manager to pre-fetch certain pages because they are likely to be requested soon. Whether or not those pages have obsolete portions is irrelevant to the script.

Anticipation requires that the claimed *invention* be described in the reference, not that the *words* used in a claim be found in a reference. The fact that *Scherr* and claim 3 both use the word "script" does not mean that *Scherr* describes the invention recited in claim 3.

Section 102(e) rejection of claim 5

In the final office action, the Examiner draws attention to a column 11, lines 53-56. This passage, and its surrounding text, are as follows:

Still another form of indexing or pre-fetching that could be used in an alternative preferred embodiment of the present invention is the technique known as mirroring. If users at a local site are constantly accessing a large website located outside the country, the cache management methods of the present invention might create a local mirror of that site in storage units 14, and use the protocols provided by the source for updating the mirror image. These normally include an initial transfer of all data using a file transfer protocol (FTP)--like protocol, and then regularly scheduled updates that cause any changes made at the source site to be transferred to the mirror. Where the local site has a large amount of storage available for storage units 14, the present invention could include several mirrors in the cache as well as other indexes. Additionally, service providers could offer supplying the mirror files as one of their services. In this approach, updates would be sent to a local site by the service provider as they occur and without being solicited by a file transfer request from the local cache management system 10.⁵

The foregoing passage merely describes a service for pushing an updated file from a mirroring site to a local site. There is no suggestion in the foregoing passage that, upon receiving an updated web page, the local cache management system 10 would request an obsolete portion of a web page. In fact, the whole point of the service described above is that the local system passively waits for updates.

Accordingly, the foregoing passage fails to describe a triggering event as recited in claim 5.

⁵ *Scherr*, col. 11, lines 37-56.

Section 102(e) rejection of claim 8

In rejecting claim 1, the Examiner relies on the same passage relied upon to reject claim 5. According to the Examiner, the above passage teaches automatic update of a file from a mirror to a local site.

As best understood, the Examiner regards *Scherr*'s mirror site as being the claimed "origin server," since that is where the file comes from. In that case, *Scherr*'s local system would have to be the claim's "cache-server." But for this mapping to read on claim 8, *Scherr*'s cache server would have to request content from *Scherr*'s mirror-site.

In fact, precisely the opposite happens. *Scherr*'s mirror-site provides content to *Scherr*'s cache server. Thus, *Scherr*'s cache server is passive. It does not request content from *Scherr*'s mirror site. This is precisely the opposite of what claim 8 recites.

Specifically, claim 8 recites "establishing communication with an origin server [i.e., *Scherr*'s mirror site] and causing said particular cache server to request said update therefrom."

Section 102(e) rejection of claim 9 and 10

On page 4 of the final action, the Examiner begins to state why claim 9 is regarded as anticipated. However, the second sentence appears to be incomplete.

Accordingly, Applicant repeats the request made in the response filed on October 1, 2007 that the Examiner quote verbatim that portion of column 5 that is believed to teach the limitations of claims 9 and 10.

Summary

Applicant requests reconsideration and withdrawal of the rejections based on the foregoing remarks.

No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket "11125-014001."

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Respectfully submitted,

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